



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE MATTER OF:

REISSUE OF: U.S. PATENT NO. 5,996,948

NAME OF PATENTEE: ROBERT SKVORECZ

ISSUED: DECEMBER 7, 1999

TITLE OF INVENTION: WIRE CHAFING STAND

SERIAL NO.: 09/772,278

RESPONSE

Commissioner for Patents
P.O. Box 1450
Arlington, VA 22313-1450

S I R:

This is in response to the outstanding office communication dated
December 30, 2004.

The subject application is a reissue of US Patent 09/005,787 which issued as Patent 5,996,948 on December 7, 1998. This reissue application was finally rejected on December 16, 2002 which resulted in an appeal to the Board of Appeal. After an appeal brief was filed the Examiner elected to withdraw the appeal and issue a rejection of claims 1, 2 and 5 under 35 USC 102(b) based on a newly cited reference US patent 5,503,062 to Buff IV as well as to continue the rejection of the reissue application based upon the "recapture" rule. In order to clearly prove the inapplicability of the newly cited reference Buff IV '062 applicant executed a declaration under 37 CFR 1.132 a facsimile copy of which is attached, and should be made of record.